

REMARKS/ARGUMENTS

Applicants have amended claim 1 to provide consistency, and added new claim 4 as discussed below.

Applicants' invention is a device adapted to apply seam tape when forming a membrane roof. A membrane roof is one wherein layers of polymeric material such as EPDM rubber are applied to a roof. Usually, the sheets of membrane roofing are not large enough to cover an entire roof, therefore multiple sheets of material must be applied with overlapping seams. The seam tape is then applied between overlapping edges to form a continuous membrane. The seam tape is usually a tacky material which has a release sheet on one side. It is applied with pressure against one edge of a sheet of membrane sheeting. The release sheet is removed and the edge of the adjacent sheeting is then pressed against the seam tape to form the seam. These membrane roofs are applied over a substrate such as plywood and/or insulation. They can be fully adhered to the substrate or can be held down by ballast.

The invention is a device to apply the seam tape to the edge of the membrane roofing. This is claimed in combination with the roll of seam tape and includes a first roller mounted in the forward portion of the frame to press the seam tape against the edge of the membrane roof. A second roller, mounted in the rear portion of the frame, is adapted to press the seam tape against the edge of the membrane roofing, and a tensioning plate presses against the roll of seam tape inhibiting the rotation of the roll. New

claim 4 includes the limitation that the seam tape extends from the roll around and under the first roller and further extends under the second roller.

The Romes U.S. Patent 6,595,455, cited under 35 U.S.C. § 102 against the pending claims, discloses a device to apply a sheet of fiberglass material over a series of beams forming a roof frame.

The Romes structure differs significantly from applicants' invention. First, it is not an apparatus for dispensing seam tape. This could not be used to dispense seam tape, and certainly it does not disclose that it is supporting a roll of seam tape. One may argue whether or not the preambulatory phrase "an apparatus for dispensing seam tape" is a limitation of the claim, which applicants contend to be the case. Applicants have avoided this issue by affirmatively claiming a roll of seam tape as part of the structure. Accordingly, without this, the Romes reference cannot anticipate the claimed invention. Further, new claim 4 recites the path that the seam tape takes as it is dispensed. That certainly is not shown in the Romes reference, nor can the Romes reference be modified to accomplish this; it would be physically impossible.

In light of these differences, applicants would maintain that the present invention is new in light of the Romes reference. In light of the fact that the Romes reference discloses a structure that is so dissimilar and intended for a use which is totally functionally different from applicants' invention, it would be unobvious to modify the structure in Romes to arrive at applicants' invention. It would totally destroy the intended function of the structure disclosed in the Romes reference, and would require a complete

Application No. 10/700,413
Amendment dated January 6, 2005
Reply to Office Action of October 6, 2004

redesign of the structure. Accordingly, applicants would further maintain that the present is unobvious in light of the disclosure of the Romes reference. For these reasons, applicant would request allowance of the pending claims.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By


Gregory J. Lunn, Reg. No. 29,945

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 - Telephone
(513) 421-7269 - Facsimile